

DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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RICKY WADE MURPHREE,

Petitioner,

DEBRA R. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

vs.

STATE OF ALABAMA, et al.,

Respondents.

2:07cv832-MHT

OBJECTION TO RECOMMENDATION BY MAGISTRATE JUDGE

Comes now, Petitioner, Ricky Wade Murphree, with objection to Magistrate Judge Susan Russ Walker's Recommendation. Petitioner's State Remedies were exhausted on DIRECT APPEAL of his conviction in 1998, and the 4 claims that the 11TH CIRCUIT COURT OF APPEALS granted a CERTIFICATE OF APPEALABILITY for, were exhausted on DIRECT APPEAL. All filings since have been to attempt to prove this in both state and federal courts. HOWEVER, a close review of all documents will show this to be TRUE. This own court's Judge Susan Russ Walker has stated in her recommendations and rulings in the last HABEAS, that Petitioner was Procedurally Barred from recourse, due to the fact that Petitioner's own attorney did not specifically address his ISSUES in her filing on his Rule 32 appeal, WHICH CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL. The correct procedures were followed to address this neglect, in filing a 2nd Rule 32, which was denied, without a hearing. DUE PROCESS HAS BEEN DENIED.

RESPECTFULLY SUBMITTED,

Ricky Wade Murphree

Ricky Wade Murphree
Pro Se
1981 Amber Rose Drive
Prattville, Alabama 36067
334-365-3617

CERTIFICATE OF SERVICE

Comes now, Petitioner, Ricky Wade Murphree, stating that a copy of this document has been sent by First Class Mail to the Attorney General of Alabama, on this day, the 8th of October, 2007.



RICKY WADE MURPHREE
Pro Se
1981 Amber Rose Drive
Prattville, Alabama 36067
334-365-3617